

REMARKS

The present amendment is in response to the Office Action dated December 7, 2005, wherein the Examiner has rejected claims 1, 3, 5-12, 14, and 16-22. By the present amendment, claims 1, 6, 7, 8, 10, 18, and 20 have been amended. Claims 9, 5, 14, and 16 have been canceled in the present amendment. Claims 23-28 have been added. Accordingly, claims 1, 3, 6-8, 10-12, and 17-28 are pending in the present application. Reconsideration and allowance of pending claims 1, 3, 6-8, 10-12, and 17-28 in view of the amendments and the following remarks are respectfully requested.

A. Claim Rejections under § 112:

Paragraph 2, at the top of page 2 of the Action rejects claim 1 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, the Action states that there is insufficient antecedent basis for the limitation "wherein displaying the reference axis includes..." in claim 1. Applicant believe that this rejection is moot in light of the above amendments to claim 1. Accordingly, Applicant respectfully requests that the rejection as to claim 1 be withdrawn.

B. Claim Rejections Under §103:

Paragraph 1, at the bottom of page 2 of the Action rejects claims 1, 5, 6, 11-12, 16-17, and 22 under 35 U.S.C. § 103(a) as being obvious in view of

Maruyama (U.S. 6,430,498) in further view of Ghaem (U.S. 5,146,231). Claims 5 and 16 have been canceled in the above amendments thereby rendering this rejection moot. Applicant therefore respectfully requests withdrawal of the rejection as to claims 5 and 16. Applicant notes, however, that claims 5 and 16 are canceled without prejudice and Applicant expressly reserves the right to pursue any patentable subject matter contained in claims 5 and 16 at a later time. With respect to claims 1, 6, 11-12, 17, and 22, Applicant respectfully traverse the rejection because Maruyama in further view of Ghaem fails to make out a *prima facie* case of obviousness.

Certain embodiments of the invention disclosed in the present application are directed to a mobile wireless communication device that includes the ability to present a direction. Further, in certain embodiments, the device can be tuned into a directional pointer. This is achieved by defining a screen axis for the device. A reference axis bearing a relationship to a magnetic bearing is then defined. The reference axis is then fixedly aligned with the screen axis. The direction of the reference axis is then displayed.

Because the screen axis is fixedly aligned with the reference axis, the direction displayed will always correspond with the direction of the screen axis. Accordingly, a user can use the device as a directional pointer by simply pointing the device, or more accurately the screen axis, in a certain direction. The device will then display a direction corresponding with the direction the device is being pointed (See the description of figure 2 on page 7).

In other embodiments, a map is also displayed on the display screen. The reference axis still fixedly aligned with the screen axis and the direction displayed is the direction the device is heading on the map.

Accordingly, claim 1 recites method for displaying direction comprising “fixedly aligning the reference axis with the screen axis, displaying the reference axis on the display screen, and displaying a direction associated with the reference axis on the display screen.”

Maruyama and Ghaem, taken either alone or in combination, fail to teach or suggest such subject matter. As recognized in the Office Action, Maruyama is silent on fixedly aligning a reference axis with a screen axis and supplying a readout of the direction of the reference axis based on the rotation of the screen axis. However, in contrast to the position taken in the Office, Ghaem also fails to teach or suggest “fixedly aligning the reference axis with the screen axis, displaying the reference axis on the display screen, and displaying a direction associated with the reference axis on the display screen.”

Ghaem describes an electronic compass that can display directional vectors, such as North, South, East, and West. In addition, the device taught in Ghaem can display a destination vector that points in the direction of a predetermined destination (See Figure 1). By combining the direction vectors and the destination vector, a user can determine in what direction the predetermined destination lies (see col. 3, lines 23-25).

The Action states that the true North vector 21 is the equivalent of the reference axis taught in the present application and claimed in claim 1.

Accordingly, in order for Ghaem to make up for the deficiencies of Maruyama, Ghaem would have to teach fixedly aligning vector 21 with a screen axis. The Action states that the equivalent of the screen axis is the device major axis 18; however, as clearly illustrated in figure 1 of Ghaem, vector 21 is not fixedly aligned with major axis 18, but rather is free to move independently of major axis 18. Although some relationship between the two may be maintained, maintaining a relationship between the reference axis and the major axis is not the same as fixedly aligning the two.

Similarly, the reference axis in Maruyama rotates independently.

Accordingly, neither Maruyama or Ghaem, alone or in combination teach the method claimed in claim 1. Applicant therefore respectfully requests withdrawal of the rejection as to claim 1. Further, claims 5, 6, and 11 ultimately depend from claim 1 and are allowable for at least the reasons discussed above with respect to claim 1. Accordingly, Applicant respectfully requests that the rejection as to claims 5, 6, and 11 be withdrawn.

Claim 12 also recites "the reference axis to be fixedly aligned with the screen axis and the reference axis signal is responsive to the rotation of the screen axis . . . , " which Maruyama and Ghaem, alone or in combination, fail to teach as discussed with respect to claim 1. Applicant therefore, respectfully requests that the rejection as to claim 12 be withdrawn.

Claims 15-17, and 22, ultimately depend from claim 12 and are allowable for at least the reasons discussed above with respect to claim 12. Accordingly,

Applicant respectfully requests that the rejection as to claims 16-17 and 22 be withdrawn.

Paragraph 2 on page 5 of the Action rejects claims 3 and 14 under 35 U.S.C. § 103(a) as being obvious in view of Maruyama and Ghaem in further view of Farine (U.S. 6,185,157). Claim 14 has been canceled in the above amendments thereby rendering this rejection moot. Applicant therefore respectfully requests withdrawal of the rejection as to claim 14. Applicant notes, however, that claim 14 is canceled without prejudice and Applicant expressly reserves the right to pursue any patentable subject matter contained in claim 14 at a later time. With respect to claim 3, Applicant respectfully traverses the rejection because Maruyama and Ghaem in further view of Farine fails to make out a *prima facie* case of obviousness.

Claim 3 ultimately depends from allowable claim 1 and is therefore non-obvious over Maruyama and Ghaem in further view of Farine for at least the reasons discussed above with respect to claim 1 unless Farine makes up for the deficiencies of Maruyama and Ghaem, which it does not. Accordingly, Applicant respectfully requests withdrawal of the rejection as to claim 3.

Paragraph 3 on page 6 of the Action rejects claims 7-8 and 18-19 under 35 U.S.C. § 103(a) as being obvious in view of Maruyama and Ghaem in further view of Johnson (U.S. 6,366,856). Applicant respectfully traverses the rejection because Maruyama and Ghaem in further view of Johnson fails to make out a *prima facie* case of obviousness.

Claims 7-8 ultimately depend from allowable claim 1 and are therefore non-obvious over Maruyama and Ghaem in further view of Johnson for at least the reasons discussed above with respect to claim 1 unless Johnson makes up for the deficiencies of Maruyama and Ghaem, which it does not. Accordingly, Applicant respectfully requests withdrawal of the rejections as to claims 7-8.

Claims 18-19 ultimately depend from allowable claim 12 and are therefore non-obvious over Maruyama and Ghaem in further view of Johnson for at least the reasons discussed above with respect to claim 12 unless Johnson makes up for the deficiencies of Maruyama and Ghaem, which it does not. Accordingly, Applicant respectfully requests withdrawal of the rejections as to claims 18-19.

Paragraph 4 on page 7 of the Action rejects claims 9-10 and 20-21 under 35 U.S.C. § 103(a) as being obvious in view of Maruyama and Ghaem in further view of Atsushi (JP 10-133568) and Irie (U.S. Pub 2001/0007090). Claim 9 has been canceled in the above amendments thereby rendering this rejection moot. Applicant therefore respectfully requests withdrawal of the rejection as to claim 9. Applicant note, however, that claim 9 is canceled without prejudice and Applicant expressly reserves the right to pursue any patentable subject matter contained in claim 9 at a later time. With respect to claims 10, and 20-21, Applicant respectfully traverse the rejection because Maruyama and Ghaem in further view of Atsushi and Irie fails to make out a *prima facie* case of obviousness.

Claim 10 ultimately depends from allowable claim 1 and is therefore non-obvious over Maruyama and Ghaem in further view of Atsushi and Irie for at least the reasons discussed above with respect to claim 1 unless Atsushi and Irie,

alone or in combination, make up for the deficiencies of Maruyama and Ghaem, which they do not. Accordingly, Applicant respectfully requests withdrawal of the rejections as to claim 10.

Claims 20-21 ultimately depend from allowable claim 12 and are therefore non-obvious over Maruyama and Ghaem in further view of Atsushi and Irie for at least the reasons discussed above with respect to claim 12 unless Atsushi and Irie, alone or in combination, make up for the deficiencies of Maruyama and Ghaem, which they do not. Accordingly, Applicant respectfully requests withdrawal of the rejections as to claims 20-21.

C. NEW CLAIMS

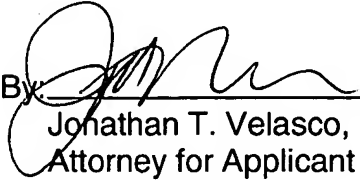
New claims 23 -28 have been added in the above amendments. Applicant believes that no new matter is introduced by the addition of claims 23-28. Further, Applicant believes that new claims 23-28 are allowable for at least the reasons discussed above.

D. CONCLUSION

For all the foregoing reasons, allowance of claims 1, 3, 6-8, 10-12, and 17-28 pending in the present application is respectfully requested.

Respectfully submitted,

Dated: March, 2006

By: 
Jonathan T. Velasco, Esq.
Attorney for Applicant
Reg. No.: 42,200

Jonathan T. Velasco, Esq.
KYOCERA WIRELESS CORP.
P.O. Box 928289
San Diego, California 92192-8289
Direct Dial: (858) 882-3501
Direct Fax: (858) 882-2485